

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 2, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are pending in the Application. Claim 14 is added by this amendment. By means of the present amendment, claims 1-13 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to --wherein--, amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-13 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Applicants thank the Examiner for the reminder that an Information Disclosure Statement (IDS) should be filed listing all references provided in the International Search report filed on May 30, 2006. An IDS listing the references will be separately submitted.

In the Office Action, the drawings are objected to because of lack of the label "Prior Art" in FIGs. 1-3. In response, "Prior Art" has been added to FIGs. 1-3. Replacement sheets including FIGs. 1-3 are enclosed. It is respectfully submitted that the drawings are now in proper form and a notice to that effect is respectfully requested.

In the Office Action, it is suggested that the specification include section headings. Applicants note the suggestion however respectfully decline to add the headings since the section headings

are not required and may be inappropriately utilized in interpreting the claimed subject matter.

Claim 1-13 are objected to for containing numerical labels. It is respectfully submitted that the amendment to claims 1-13 for better conformance to U.S. practice renders this objection to the claims moot. Accordingly, it is respectfully requested that the objection to claims 1-13 be withdrawn.

In the Office Action, claim 13 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully disagree with and explicitly traverse this ground for rejecting claim 13. It is the Applicants' position that claim 13 requires require statutory subject matter. However, in the interest of furthering the prosecution of this matter, Applicants have elected to amend claim 13 to more clearly state the invention. Specifically, Applicants have amended claim 13 to more clearly state a "computer program stored on a computer readable memory medium, the computer program comprising computer program code means for causing a computer to perform ..." No new matter is added by this amendment nor should a further search be required as a search of devices has been previously performed. Clearly, claim 13 requires statutory subject matter. Accordingly, it is

respectfully requested that the amendment to the claims be entered and that the rejection of claim 13 under 35 U.S.C. §101 be withdrawn.

Claims 1-13 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. The claims are amended herein in accordance with the recommendations contained in the Office Action to cure the noted problems. Accordingly, it is respectfully submitted that claims 1-13 are now in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 1-5 and 9-12 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,142,494 to Sako ("Sako"). Claims 6-8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sako in view of U.S. Patent No. 7,010,124 to Ishiguro ("Ishiguro").

It is respectfully submitted that claims 1-14 are allowable over Sako alone and in view of Ishiguro for at least the following reasons.

Sako shows a content encryption system that stores and encryption key K1 in a lean-in area of a disk and a copy K2 of the

encryption key K1 in a program area (see, FIG. 1C and Col. 5, lines 54-61).

It is respectfully submitted that the record carrier of claim 1 is not anticipated or made obvious by the teachings of Sako. For example, Sako does not disclose or suggest, a record carrier that amongst other patentable elements, comprises (illustrative emphasis added) "a main channel storing content and a side channel storing address information and data relevant for making recordings, wherein content protection information for protection of said content is stored in said side channel in a pregroove in said data zone, wherein the main channel is for recording information in said data zone" as recited in claim 1, and as similarly recited in each of claims 9-12. Ishiguro is introduced for allegedly showing elements of the dependent claims and as such, does nothing to cure the deficiencies in Sako. In fact, Ishiguro merely "detects a wobbling frequency of the pregroove ... [and] generates the decryption key obtained by subjecting the data corresponding to the wobbling frequency to a predetermined calculation ..."

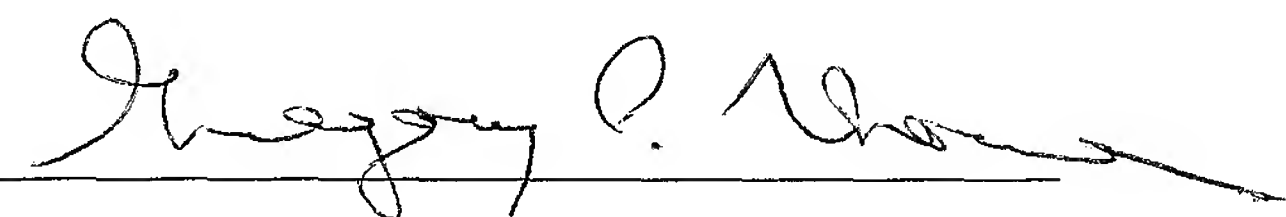
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 9-12 are patentable over Sako alone and in view of Ishiguro and notice to this effect is earnestly

solicited. Claims 2-8 and 14 respectively depend from one of claims 1 and 13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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Enclosure: Replacement drawing sheets (3 sheets including FIGs. 1-3)

THORNE & HALAJIAN, LLP

Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101